

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID A. MAPLES,

Plaintiff,

Case No. 06-14775

v.

District Judge Bernard A. Friedman
Magistrate Judge R. Steven Whalen

COUNTY OF MACOMB, et al.,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR EXTENSION**

Before the Court is Plaintiff's Motion to Delay Response to Defendants' Motion for Summary Judgment [Docket #15].

Plaintiff seeks a delay pending discovery, citing Fed.R.Civ.P. 56(f). However, Defendants have not filed a motion for summary judgment under Rule 56. Rather, Defendants have filed a motion to dismiss under Fed.R.Civ.P. 12(b)(6) and 12(c), raising issues based on the pleadings, including the Defendants' immunity from suit. *See* Docket #9. Discovery is not necessary to decide this motion, and Rule 56(f) is inapplicable.

In the alternative, Plaintiff asks for an extension of time to answer the Defendants' motion. The Court notes that the Plaintiff is proceeding *pro se*, and finds that granting an extension would be in the interests of justice.

Accordingly, the Plaintiff's request to delay response pending discovery is DENIED.

Plaintiff's request for an extension of time to answer the Defendants' Motion to Dismiss is GRANTED. Plaintiff shall file his response on or before **MARCH 14, 2007**.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: January 31, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on January 31, 2007.

S/G. Wilson
Judicial Assistant